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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/715,804 | 11/18/2003 | Margaret Goodwin | MS1-1791US | 5203 |
| 22801 | 7590 | 02/01/2010 | EXAMINER | |
| LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201 | | | MITCHELL, JASON D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2193 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/01/2010 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

| | | |
|--------------------------------------|---------------------------------------|--|
| Application No. 10/715,804 | Applicant(s) GOODWIN ET AL. | |
| Examiner JASON MITCHELL | Art Unit 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 November 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4 and 6-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Art Unit: 2193

DETAILED ACTION

This action is in response to an amendment filed on 11/6/09.

Claims 1, 4 and 6-13 are pending in this application.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In par. [0009] the applicants state:

[0009] Thus, Li describes "if the module requested is not the module being downloaded the current download is suspended. See [0060]. More specifically, the downloaded of a module M3 is suspended such that a module M4 may be downloaded without competing with M3 for bandwidth. See [0060]. However, Applicant's claim 1 recites the specific component takes precedence over remaining components ...and is downloaded on-demand while the remaining components are drizzle-downloaded in the background. Li does not describe the module M4 being downloaded on demand while module M3 is downloaded in the background. Further, Li teaches away from module M4 being downloaded on demand while module M3 is downloaded in the background by advocating suspending downloading of module M3.
(emphasis in original)

The examiner respectfully disagrees. The applicants appear to be asserting that the limitation in question (i.e. "drizzle-downloaded in the background") describes a download process wherein "the specific component" and at least some of the "remaining components" are downloaded simultaneously or in parallel. This is not how one of ordinary skill in the art would interpret the claims or disclosure. Specifically, those of ordinary skill would understand 'drizzle-downloading' to describe a system in which the components being "drizzle-downloaded in the background" are sent to the client incrementally when there is unused bandwidth and or processing cycles available (see

Art Unit: 2193

e.g. the specification pg. 10, lines 1-8 "components of the application 210 are downloaded transparently in the background without interrupting the user" or alternately see US 2006/0106807¹ to DeVitis et al. pars. [0037]-[0038] "Drizzle client 208 ... directing a background file transfer service (BFTS) 210 ... If either usage reaches a certain threshold, BFTS 210 may suspend a file transfer until usage has decreased"). As indicated in the rejection, this understanding is analogous to the functionality described in the Kraenzel reference.

Further, the applicants' apparently asserted interpretation runs contrary to the plain meaning of the language of the claim. In other words, when one thing (e.g. the download of the specific component) "takes precedence over" another thing (e.g. the "remaining components"), it is generally understood that the one thing is done first, before the other thing.

Still further, regarding the apparently asserted simultaneous downloading of multiple components, it is noted that the applicants' specification does not appear to provide sufficient disclosure to enable such an activity unless it is assumed that those of ordinary skill in the art were already aware of and capable of doing so. For example the examiner is unaware of any disclosure of specific cache management techniques (or the like) which would have explicitly enabled such functionality.

¹ US 2006/0106807 was filed 11/18/04 and is co-assigned, and thus does not constitute a prior art reference. However, the citation is appropriate in that it demonstrates how those of ordinary skill in the art would have interpreted the term 'drizzle download' at or around the time of filing (see MPEP 2124).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li).

Claim 1

Kraenzel discloses a computer-readable storage medium having stored thereon an application framework for developing an application, comprising:

an application object that isolates the application from other applications or external resources, raises startup and shutdown events for the application, and manages application windows and resources (*figure 10; column 2, lines 20-28, web application*);

navigation components that provide navigation functionality by sharing a global state across a plurality of pages, journaling, journal extensibility, and structured navigation (*figures 14-21; column 5, lines 11-45, web enabled software*);

application lifecycle management components that define how the application is deployed, installed, activated, updated, rolled back, and removed from a computing

Art Unit: 2193

system (*figure 10, element 246; figure 11; column 37, lines 38-47; column 39, lines 15-32*);

a secure execution environment that defines a default set of permissions for the application during execution of the application in the secure execution environment, and if the application requires permissions in addition to the default set of permissions, requiring installation of the application (*column 39, lines 15-32, offline subscription denoting additional permissions and secure environment as well*); and

a component that defines a mechanism that allows the application to access common window properties of a hosting environment in a like manner regardless of whether the hosting environment is a browser or a standalone window environment (*column 39, lines 33-38, integrated into Windows, multiple offline subscriptions, thus for both browser and standalone; col. 21, lines 9-10 "offline access provides an end user with just about all the capabilities of the online Web application"*); and

specifies a subset of components of the application as offline (*col. 40, lines 53-56 "tools in ... offline contexts"*) and a third subset of components of the application as online (*col. 40, lines 53-56 "tools in ... online ... contexts"*), with the offline and third subsets of components of the application differing (*col. 40, lines 53-56 "tools in both online and offline contexts"; note the context distinction meets the broadly claimed 'differing'; also see col. 41, lines 15-19 "subscriptions 202 which the user has taken offline"*).

Art Unit: 2193

Kraenzel does not disclose a first subset of components as required and a second subset of components as on-demand.

Li teaches a manifest (*par. [0046] “the list of modules downloaded in operation 146 of Fig. 3”*) that further identifies offline applications (*i.e. applications to be stored on a client*) as a first subset of components of the application as required (*par. [0046] “application 160 core modules”*), a second subset of components of the application as on-demand (*par. [0046] “non-core modules”; note these modules are “downloaded and installed when needed” and thus constitute ‘on-demand’ applications see par. [0048]*), wherein the second subset of components being drizzle-downloaded in the background as a user interacts with the application (*par. [0053] “the modules enabling feature functionality may also be downloaded in the background prior to being requested”*), wherein when a specific component of the second subset of components is requested the second subset of components and is downloaded on-demand while the remaining components are drizzle-downloaded in the background (*par. [0060] “if the module requested is not the module being downloaded ... the current download is suspended in operation 240 ... operation 242 where the requested module is downloaded ... operation 246 where the thread for the suspended download is resumed”; Fig. 10, 240-242; par. [0053] “the modules ... may also be downloaded in the background”*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a manifest including **Li**'s additional subsets of components (*e.g.*

Art Unit: 2193

Fig. 4 Core and Non-core modules) as part of **Kraenzel**'s distribution (*col. 39, lines 24-28 "Sync Manager utility ... Files needed for working offline in a secure environment ... are also downloaded"*) and to drizzle download any on-demand (i.e. Non-Core) components. Those of ordinary skill in the art would have been motivated to do so in order to provide a user with more immediate access to the core application components (*Li par. [0038] "a method and an apparatus for providing timely downloading via the Internet of applications"; Kraenzel col. 11, lines 53-59 "files are transferred to client 200 ... over line 309, which ... may be a slower, network connection."*).

Claim 4

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the application framework further includes components that define the behavior of windows associated with the application (*figures 14-21, evidenced by the windows shown*).

Claim 6

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the component that provides navigation functionality comprises a NavigationApplication object (*column 5, line 10, the online services model*).

Claim 7

Art Unit: 2193

Kraenzel discloses a computer-readable storage medium as recited in claim 6, wherein the NavigationApplication object identifies an initial resource to which the application navigates when launched (*figures 14-21, the resources launched; e.g. col. 19, lines 46-53 "Application Page 238"*).

Claim 8

Kraenzel discloses a computer-readable storage medium as recited in claim 7, wherein the NavigationApplication object further includes navigation related events that are fired in response to the occurrence of a navigation (*figures 14-21, as items are selected some event must correspond; column 5, lines 11-45, various elements of software*).

Claim 9

Kraenzel discloses a computer-readable storage medium as recited in claim 7, wherein the NavigationApplication object further comprises a Properties collection in which is stored state information about the application (*column 12, lines 1-5; column 12, line 62 to column 13, line 9*).

Claim 10

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the component that provides journaling and journal extensibility comprises a Journal object (*column 5, lines 35, iNotes*).

Art Unit: 2193

Claim 11

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the navigation framework further comprises a NavigationWindow component associated with the application and that persists across navigations (*figures 14-21, column 5, lines 11-45*).

Claim 12

Li teaches a computer-readable storage medium as recited in claim 1 wherein the first subset of components are minimum code for the application to run in the hosting environment (*par. [0052] "the main class containing the entry point is mapped in to the core module"*).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li) in view of US 2004/0107291 to Gamo (Gamo).

Claim 13

Kraenzel and **Li** do not explicitly teach a computer-readable storage medium as recited in claim 1 wherein the third subset of components are stored in transient cache.

Gamo teaches storing online components in transient cache (*par. [0068] "the cache can be used"*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made store the online applications (*col. 40, lines 53-56 "tools in ... online ... contexts"*) in a transient cache (*Gamo par. [0068] "the cache can be used"*). Those of ordinary skill in the art would have been motivated to do so in order to reduce download times and thus execution speed (*Gamo par. [0068] "the cache can be used, and thus the download from the server can be partly omitted when the program is executed at the next time"*).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON MITCHELL whose telephone number is

Art Unit: 2193

(571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/
Primary Examiner, Art Unit 2193